

RECEIVED
CENTRAL FAX CENTER

JUL 13 2006

PATENT
450100-03802**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7 are in this application with claim 7 having been amended herein. No new matter has been added by this amendment.

Claim 3 has been objected to as allegedly being unclear. It is submitted to the Examiner that the claim 3 as with all the instant claims include in their preamble the phrase "a portable information terminal apparatus." Accordingly it is submitted that the display and the control of the display are part of the portable apparatus. Withdrawal of the objection is requested.

II. REJECTION UNDER 35 U.S.C. § 101

The Examiner has rejected claim 7 as directed to non-statutory subject matter. Claim 7 has been amended to address this concern and now recites "A recording medium storing a computer-readable program." This language meets the statutory subject matter requirements, thus withdrawal of the rejection is requested.

PATENT
450100-03802**III. REJECTIONS UNDER 35 U.S.C. §103**

On the merits the Examiner has rejected claims 1-7 as unpatentable over U.S. Patent No. 6,870,570 to Bowser in view of U.S. Patent No. 6,993,782 to Newberry. The Examiner's rejection is respectfully traversed for at least the following reasons.

Independent claim 1 recites, in part:

extracting means for extracting a time included in said program information;

retrieving means which, based on the time extracted by said extracting means, retrieves other program information about programs to be broadcast in a time slot relative to said program information; and

second display controlling means for controlling display on said display screen of said other program information after retrieval by said retrieving means.

First the Examiner is reminded that the preamble of the instant claims refers to "[a] portable information terminal apparatus." Thus the features recited above must be found in the portable device. The Examiner alleges that the "second display controlling means" can be found in Bowser. However, the relied upon portion of Bowser (Col. 5, lines 2-6). Refers at best only to the first display controlling means in so much as the relied upon portion of the reference simply allows for the down load of the program guide to a PDA. This is a different feature than the second display controlling means which provides specific information beyond the simple down load which is retrieved following manipulation by the user. No such feature is described in the relied upon portions of Bowser.

The Examiner admits that Bowser does not teach either the extracting means or the retrieving means. As a result the Examiner cites to Newberry. However, the relied upon portions of Newberry (Col. 1, lines 53-57) do not contain any teaching of either "extracting

PATENT
450100-03802

means extracting a time” or “retrieving means which, based on the time extracted by said extracting means, retrieves other program information about programs to be broadcast in a time slot.” As best understood by the Applicant’s attorneys the Newberry reference involves the creation of “virtual channels” in a PC/TV system. The relied upon portion of Newbury refers to the connection of programs from one transmission source at a specified time to a virtual channel to which other programs at other times, possibly from other transmission sources can also be connected. This is not the same as providing on a portable information terminal apparatus, the ability to find out more information about available programming based on the time data which is extracted from initial program information and displaying this further information on the portable device.

Accordingly, it is submitted that independent claim 1 patentably distinguishes over the relied upon portions of Bowser and Newberry and is allowable.

Independent claim 7 recites:

retrieving, based on the time extracted in said extracting step, other program information about programs to be broadcast in a time slot relative to said program information; and

secondly controlling display on said display screen of said other program information after retrieval in said retrieving step.

The relied upon portions of Bowser and Newberry fail to teach such features. Accordingly, independent claim 7 is also allowable.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed

PATENT
450100-03802

to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.


In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference, there is the basis for a contrary view.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
William S. Froffner
Reg. No. 25,506
(212) 588-0800